



BEFORE THE STATE BOARD OF EQUALIZATION
OF THE STATE OF CALIFORNIA

In the Matter of the Appeal of)
)
ROY A. SINGLEY, JR.)

For Appellant: Roy A. Singley, Jr.,
in pro. per.

For Respondent: Kathleen M. Morris
Counsel

O P I N I O N

This appeal is made pursuant to section 19057, subdivision (a), of the Revenue and Taxation Code from the action of the Franchise Tax Board in denying the claim of Roy A. Singley, Jr., for a refund of personal income tax in the amount of \$740.26 for the year 1977.

Appeal of Roy A. Singley, Jr.

The question for decision is whether appellant has met the burden of proving that he is entitled to take the claimed deductions.

Respondent discovered that appellant had not filed a timely California personal income tax **return** for the taxable year 1977. After more than two months without a reply to respondent's request that appellant file a return, respondent issued a notice of proposed assessment of personal income tax. Appellant protested and **filed a joint** personal income tax return with his wife, computing the tax liability using the standard deduction. **Thereafter, respondent** withdrew the deficiency assessment.

On August 22, 1979, appellant filed an amended joint personal income tax **return** claiming itemized deductions in the amount of **\$3,020.75**, a trade or business expense deduction in the amount of **\$10,157.00**, and adjustments to income in the amount of \$239.46. As a result of these changes, appellant claimed a refund in the amount of \$740.26. In order to verify appellant's claimed deductions, responder:: requested additional information including requests for documented substantiation of the trade or business expense deduction. Appellant provided some additional information but refused to provide documented substantiation. Consequently, respondent disallowed the deductions and denied the claim for refund. This appeal followed.

It is well settled that deductions are a matter of legislative grace and that taxpayers have the burden of proving entitlement to a claimed deduction. (New Colonial Ice Co. v. Belvering, 292 U.S. 435 [78 L.Ed. 1348] (1934); Appeal of James M. Denny, Cal. St. Bd. of Equal., May 17, 1962.) Appellant states that he has the documented substantiation requested by the respondent yet has not produced the documents for inspection. This board has frequently held that such unsupported assertions do not satisfy the burden of proving the right to a claimed deduction. (See, e.g., Appeal of Royce E. Gum, Cal. St. Bd. of Equal., March 31, 1982; Appeal of Wing Edwin and Faye Lew, Cal. St. Bd. of Equal., Sept. 17, 1981.) Accordingly, for the reasons set forth above, respondent's action in this matter must be sustained.

